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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,537	03/23/2004	Holam Chau	0040-10	2503
25901	7590	10/18/2005	EXAMINER	
ERNEST D. BUFF ERNEST D. BUFF AND ASSOCIATES, LLC. 231 SOMERVILLE ROAD BEDMINSTER, NJ 07921			KIANNI, KAVEH C	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/806,537

Applicant(s)

CHAU, HOLAM

Examiner

Kianni C. Kaveh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Drawings

*The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 'adjustment means' means that adjusts the film that changes the incident position" and "adjustment thickness" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.*

As claimed in at least claim 1, the following features of the claimed limitations are not shown in the drawings:

a guide track; '  
an upper track ;  
lower track;  
pull clamp;  
a linear slide;  
a blade carriage;  
actuator;  
blade arm;  
a scribing blade;  
a guide pin;

In Figure 5 the numerical features 274 and 256 are undefined both in the drawings and in the specification. In specification numerical numbers 262, 2678, 254 concerning features are not shown in the drawings.

*A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.*

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is ambiguous, since the limitation 'thereof' in line 18 and in line 25 is a broad term that does not define where the blade assembly mounted and where exactly the scribing blade is on the carriage or on the blade arm? See MPEP § 2173.05(d).

Corrections are required. Claims 2-7 depend on claim 1 and therefore they are also rejected.

***Claim Objection***

At the end of claim 1, the semicolon should be a period '.'. Correction is required.

***Allowable Subject Matter***

Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if their base claim is no longer rejected under 112 Second parag. Claims 4-7 allowable because the prior art of record, taken alone or in

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combination, fails to disclose or render obvious their relevant limitations in combination with the rest of the limitations of the base claim.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher et al. (US 20030007774).

Regarding claim 1, Christopher teaches an apparatus for cleaving an optical fiber ( shown in at least in fig. 1; see parag. 0006), comprising:

- a) a support base (see fig. 1, item 202);
- b) a fixed fiber support (see fig. 25 also 26-30, item 3026) comprising a fixed fiber base (see at least item 3050) including a guide track (see item 3052) having an upper track and a lower track attached to said support base and a self aligning fiber holder adapted to hold said fiber at a supply end thereof, said holder being removably attached to said fixed fiber base (shown in at least figs 25-30, items fiber base 3050 and guide track 3050, and see at least para. 0239) ;
- c) a fiber pull tension assembly having a tension assembly base attached to said support base and a pull clamp rotatably attached to said tension assembly base,

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said pull clamp having a roller and being openable to receive said fiber and hold it at a free end thereof (see at least fig. 19 and 11, items fiber pull assembly system and parag. 0199),

d) a tension spring adjustably attached to said pull clamp and said fixed fiber base, said spring rotationally biasing said pull clamp to place said fiber in tension between said pull clamp and said self aligning fiber holder (see fig. 81-82, item 8514 and parag. 0398); and

e) a scribing knife assembly comprising:

(i) a motor drive assembly including a rotating crank; (ii) a linear slide and a blade carriage slidably mounted thereon for reciprocal motion traversing a forward direction and a rearward direction of travel, said blade carriage being driven by an actuator pivotally attached to said carriage and said crank, and said blade carriage comprising a fiber tension profile bar in engagement with said roller to control said tension (see parag. 0182, 0239 and 0293-0295); (iii) an upwardly biased blade arm attached to said carriage and having a scribing blade thereon (see at least parag. 0236); and

(iv) a guide pin adapted to engage said guide track (see parag. 0210, 0239, 0241), said guide pin following said upper track during said rearward travel and said lower track during said forward travel, whereby said blade arm is biased to engage said fiber with said scribing blade with a scribing force and scribe said fiber during said rearward travel, and said blade arm is depressed to withdraw said scribing blade from

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engagement with said fiber during said forward travel (see parag. 0210, 0239, 0241 and 0293-0295).

However, Christopher does not specifically teach wherein said the above optical fiber is an optical fiber waveguide. It is well known to those of ordinary skill in the art when the invention was made that optical fibers are/known as optical fiber waveguides for guiding light since motivation provided that such guide automate propagation of light in optical fibers (see parag. 0001-0004).

Regarding claims 2-3, Christopher further teaches a servo motor adapted to open and close said pull clamp to receive and secure said free end of said fiber (see parag. 00249, 0269, 0282 and 0283); wherein said scribing force of said blade is adjustable (see at least parag. 0042, 0230 and 0242).

### ***Citation of Relevant Prior Art***

Prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In accordance with MPEP 707.05 the following references are pertinent in rejection of this application since they provide substantially the same information disclosure as this patent does. These references are:

20050058422 Doss et al.

6816662 Doss et al.

20040190850 Chau et al.

5150502 Roberson

20050217100 Schwar

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These references are cited herein to show the relevance of the apparatus/methods taught within these references as prior art.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kianni C. Kaveh whose telephone number is 571-272-2417. The examiner can normally be reached on 9:30-19:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



K. Cyrus Kianni  
Primary Patent Examiner  
Group Art Unit 2883

October 14, 2005